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TO AMEMBASSY TEHRAN IMMEDIATE

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E.O. 11652: N/A

TAGS:CGEN: (BARKHORDAR, MOHAMMED)

SUBJECT:U.S. VS. MANAFZADEH: REQUEST FOR WITNESSES
MOHAMMED BARKHORDAR; HOSSEIN SHERIKAT, BANK MELLI

1. U.S. ATTORNEY, ROBERT B. FISKE, JR., SOUTHERN DISTRICT OF N.Y. IS PROSECUTING IRANIAN CITIZEN EKRAM MANAFZADEH FOR CHECK-KITING, THAT IS, DEPOSITING DOLS 6 MILLION IN WORTHLESS CHECKS IN CHASE MANHATTAN BANK, THEN WITHDRAWING DOLS 3 MILLION BEFORE THE DOLS 6 MILLION CHECKS CLEARED. DEFENDENT CLAIMS THAT HE BELIEVED THE DEPOSITED CHECKS WERE GOOD, BUT AN IRANIAN BUSINESSMAN IN TEHRAN IS BELIEVED TO BE IN A POSITION TO KNOW THAT THE DEFENDENT KNEW THE CHECKS WERE NOT GOOD.

2. WITNESS IS MOHAMMED TAGHI BARKHORDAR, OWNER OF TEHRAN ELECTRIC COMPANY AND PARS ELECTRIC COMPANY. ADDRESS: AVENUE IRANSHAHR NO. 90/4 TEHRAN, PHONE 833011-16.
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3. BARKHORDAR HAS STATED TO CHASE MANHATTAN THAT HE HAS NO INTEREST IN COMING TO U.S. TO TESTIFY, BUT THE U.S. ATTORNEY NEEDS HIS TESTIMONY TO DISPROVE THE DEFENDENT'S CLAIM. BARKHORDAR MIGHT CHANGE HIS MIND IF ASKED BY IRANIAN AUTHORITIES OR U.S. EMBASSY OFFICIAL.

4. IF EMBASSY BELIEVES GOI REQUEST WOULD BE MORE PERSUASIVE THAN U.S.G. REQUEST, PLEASE URGE GOI TO PREVAIL UPON BARKHORDAR TO TRAVEL TO N.Y. TO TESTIFY AT TRIAL ON FRIDAY MAY 6, 1977 AT U.S.G. EXPENSE. EMBASSY JUDGMENT THAT GOI WOULD NOT BE WILLING TO COMPLY IS NOT SUFFICIENT REASON NOT TO ASK, ABSENT EXTRAORDINARY CIRCUMSTANCES.

5. IF GOI RESPONDS THAT IT WILL NOT ACTIVELY COOPERATE, REQUEST EMBASSY OFFICIALS CONTACT BARKHORDAR TO ASK IF HE WILL TESTIFY. JUSTICE WILL PAY TRAVEL AND PER DIEM. APPROPRIATION "1570311 FEES AND EXPENSES OF WITNESSES, DEPARTMENT OF JUSTICE, 1977, 7G6054".

6. PLEASE COMMUNICATE BARKHORDAR'S RESPONSE SOONEST. RECORD OF HAVING ASKED FOR HIS TESTIMONY, DESPITE REFUSAL, ESSENTIAL TO USG CASE.

7. IN SAME CASE, U.S. ATTORNEY DESIRES TO DISCUSS IRANIAN LAW AND PRACTICE RELATING TO TRANSACTIONS IN BONDS WITH DR. HOSSEIN SHERIKAT, AN OFFICIAL OF BANK MELLI IN N.Y.C. SHERIKAT STATES THAT SINCE BANK MELLI IS AN ARM OF GOI, HE CANNOT TALK TO U.S. ATTORNEY WITHOUT GOI AUTHORIZATION. PLEASE REQUEST APPROPRIATE GOI OFFICIALS TO AUTHORIZE SHERIKAT TELEGRAPHICALLY TO TAKE WITH U.S. ATTORNEY AND TO TESTIFY AS AN EXPERT WITNESS IF THE NEED SHOULD ARISE. EMBASSY JUDGMENT THAT GOI WOULD NOT BE WILLING TO COMPLY IS NOT SUFFICIENT REASON NOT TO ASK, ABSENT EXTRAORDINARY CIRCUMSTANCES.

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8. TRIAL OF THIS CASE BEGINS THURSDAY 5/5/77. ACTION MUST BE IMMEDIATE TO BE EFFECTIVE.

9. PLEASE SLUG RESPONSE FOR DEPARTMENT OF JUSTICE/L.W. CHAMBLEE, J/CRIM. VANCE

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